United Nations S/2016/761

Security Council

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7 September 2016
English
Original: Arabic

Identical letters dated 5 September 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I wish to inform you that on the morning of Monday, 5 September 2016, armed terrorist groups caused six explosions that targeted civilians in the governorates of Tartus, Homs, Hasakah and Rif Dimashq.

For almost six years, at the behest of their handlers and sponsors, foreign-backed armed terrorist groups have adopted crime, terrorism and murder as a tactic in the current crisis. A terrorist suicide bomber has now detonated a car bomb at the Arzunah bridge on the international motorway in Tartus governorate. Another terrorist suicide bomber then detonated his explosive belt among the civilians who had rushed to help the competent authorities to rescue the wounded. According to a preliminary count, 30 civilians were killed and 43 sustained injuries of varying gravity.

A terrorist suicide bomber detonated a car bomb at the entrance of the Bab Tadmur quarter of Homs city, killing four civilians and inflicting injuries of varying gravity on ten others. Public and private property and infrastructure were extensively damaged.

Two more terrorists blew themselves up with explosive belts on the Sabburah-Bajja' road, in western Rif Dimashq, killing a civilian and injuring three others.

In the city of Hasakah, a suicide bomber detonated a booby-trapped motorbike at the Marshu roundabout, killing five civilians, injuring others and causing material damage on location.

These bloody attacks are part of a systematic campaign of terror waged by such armed terrorist groups as the Nusrah Front (which recently changed its guise and took on the name Front for the Conquest of the Levant), the Army of Islam, Ahrar al-Sham, the Army of Conquest and the Nur al-Din al-Zanki movement. In a departure from the spirit, principles and provisions of the Charter of the United Nations, certain permanent representatives on the Security Council refer to those groups as armed moderate groups. Faced with tens of thousands of terrorists deployed by those States to weaken the Syrian State and reverse the achievements of the Syrian people, Syrians have remained committed to their land and nation. They have done so despite all of the crimes and massacres committed against them

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at the behest of certain States and regimes that are well known to all. These include Saudi Arabia, Qatar, Turkey, the United Kingdom, France and the United States of America, all of which openly and explicitly support the criminals and terrorist murderers. Those actors that support and finance the terrorists and their organizations unfortunately persist in describing them alternately as armed moderate groups and moderate opposition groups. The States and regimes that sponsor the so-called moderates continue to find inhumane, immoral and illegal excuses for their crimes and massacres against the Syrian people. In so doing, they directly and frankly encourage the groups to commit further crimes. All of the peoples of the world have noted how the Security Council has largely refrained from condemning those terrorist acts or holding the perpetrators to account.

The Government of the Syrian Arab Republic emphasizes that such massacres and terrorist crimes will not deter it from fulfilling its legal and moral duty to fight terrorism, or from working to reach a political solution to the crisis in Syria through dialogue among Syrians under Syrian leadership, leading to the eradication of terrorism, the reconstruction of all that the terrorists and their sponsors have destroyed, and the restoration of security and stability for the Syrian people. Terrorism in Syria poses a threat to all States of the world, and those actors that are supporting and funding it should immediately desist from doing so. The unilateral economic measures imposed on Syria also constitute direct support for the terrorists, whatever the causes and excuses that are invoked; they, too, are killing Syrian civilians, particularly women and children.

The Government of the Syrian Arab Republic calls on the Security Council to immediately and strongly condemn the terrorist crimes and bloody massacres committed by the armed terrorist groups. The Security Council must fulfil its responsibility to preserve international peace and security. To that end, it must take swift action to deter and penalize those States and regimes that are supporting and financing terrorism, particularly Saudi Arabia, Turkey, Qatar and France. It must prevent them from persistently undermining international peace and security, and compel them to comply fully with the relevant Security Council resolutions, particularly resolutions 2170 (2014), 2178 (2014), 2199 (2015) and 2253 (2015).

I should be grateful if the present letter could be issued as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

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Upon instruction from my Government, I would like to draw your kind attention to the attached list of names of 37 civilian martyrs who were executed by the terrorist group Islamic State in the Levant (ISIL) (Da'esh) (see annex).

On 27 March 2016, the Syrian army, after expelling the ISIL terrorist fighters from the city of Palmyra, discovered a mass grave in Al Jahizya District, and pulled out the bodies of 51 martyrs. The health authorities in the city of Homs succeeded in identifying 37 of the bodies remaining from the massacre. Meanwhile, 14 martyrs are still unidentified.

It would be highly appreciated if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

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Annex to the identical letters dated 6 September 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

List of 37 victims whose corpses were recognized among the victims of the massacre perpetrated by the terrorist group Islamic State in Iraq and the Levant in the city of Tadmur. The bodies were among 51 bodies found in a mass grave on 27 March 2016

	Name	*Place and year of birth*
1	Ghadir Sallum bin Muhammad, mother's name: Wafa'	Homs, 1994
2	Azzam al-Hamud bin Abdulrazzaq, mother's name: Shamsah	Homs, 1975
3	Sami Zahrah bin Ahmad, mother's name: Habis	Homs, 1974
4	Ahmad al-Nahar bin Awwad	Unknown
5	Hasan Khudur bin Isa, mother's name: Samirah	Homs, 1995
6	Azdashir Khudur bin Isa, mother's name: Samirah	Homs, 1998
7	Muhammad Salamah bin Rashid, mother's name: Samirah	Homs, 1997
8	Qusayy Ramadan bin Malik, mother's name: Hayam	Homs, 1993
9	Ramiz Sa'id bin Nimr, mother's name: Badi'ah	Kharayib, 1968
10	Aqqad al-Hasan bin Nasr, mother's name: Khadrah	Homs, 1991
11	Ammar Ramadan bin Hikmat, mother's name: Ilham	Homs, 1986
12	Ali Hamdan bin Wafiq, mother's name: Fawzah	Homs, 1993
13	Ja'far al-Jahil bin As'ad, mother's name: Intiqal	Homs, 1997
14	Muhammad Jarrad bin Badr, mother's name: Rabihah	Homs, 1990
15	Salim Daghman bin Amir, mother's name: Amirah	Homs, 1995
16	Sarhan Mahmud al-Awwad	Unknown
17	Muhammad Salih al-Jasim	Unknown
18	Ali Isa Dawud	Unknown
19	Muhammad Mikhlaf Abbud al-Ahmad	Unknown
20	Khalid Munir Yusuf	Unknown
21	Diya' Fawwaz Yahya	Unknown

	Name	*Place and year of birth*
22	Hasan Fawwaz Yahya	Unknown
23	Ali Uqayl bin Faysal, mother's name: Ulya	Tadmur, 1967
24	Muhammad al-Uqayl bin Ali, mother's name: Kawthar	Tadmur, 1993
25	Ulya al-Uqayl bint Ali, mother's name: Kawthar	Tadmur, 1998
26	Kawthar al-Uqayl bint Ali, mother's name: Siham	Tadmur, 1972
27	Ruqayya al-Hawrani bint Muhammad, mother's name: Nahlah	Homs, 2001
28	Manal Hasan al-Asmar	Unknown
29	Subhiyah Muhammad al-Husayn	Unknown
30	Lina Abdulkarim Sabra	Unknown
31	Amani Sami Zahrah	Unknown
32	Yunus al-Uqayl bin Ali, child, mother's name: Kawthar	Tadmur, 2004
33	Yasmin al-Uqayl bint Ali, child, mother's name: Kawthar	Unknown
34	Khansa' Sami Zahrah, child	Unknown
35	Shahd Manhal al-Asmar, child	Unknown
36	Diyala Manhal al-Asmar, child	Unknown
37	Ja'far Manhal al-Asmar, child	Unknown

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Report of the Secretary-General on Somalia

I. Introduction

1. The present report is submitted pursuant to paragraph 22 of Security Council resolution 2275 (2016) and paragraph 44 of Security Council resolution 2297 (2016). It reports on the implementation of those resolutions, including on the mandate of the United Nations Assistance Mission in Somalia (UNSOM) and any challenges faced by the United Nations Support Office in Somalia (UNSOS) in carrying out its mandate. The report covers major developments in Somalia during the period from 1 May to 31 August 2016.

II. Political and security overview

A. Political developments

2. The reporting period witnessed intensified political activity, relating in particular to the 2016 political transition. Faced with a protracted parliamentary stalemate, the President, Hassan Sheikh Mohamud, issued a decree on 22 May endorsing the parameters of the electoral process as previously agreed by all federal and regional leaders. On 7 August, the Federal Indirect Electoral Implementation Team, an ad hoc body charged with the implementation of the 2016 vote, announced a timeline in which the election of members of the Upper House of Parliament would be held on 25 September and that of members of the Lower House of Parliament from 24 September to 10 October. The President of Somalia will be elected on 30 October.

3. On 9 August, the National Leadership Forum, comprising federal and regional leaders, endorsed the electoral timeline and agreed unanimously on a limited extension for the federal institutions, including an extension of the President's mandate, which was due to expire on 10 September in accordance with the electoral timetable. At the same meeting, adjustments were made to the planned composition of the Upper House in respect of the representation of Banaadir, "Somaliland", and Hiraan and Shabelle Dhexe.

4. The Federal Parliament amended the Provisional Federal Constitution on 15 June by extending its validity until 2020 and extending the current Parliament's term in office until the appointment of a new Parliament through the 2016 electoral process.

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5. The National Leadership Forum met regularly during the reporting period and decided on some key issues, including approval of Somalia's national security policy, the appointment of a committee to develop recommendations on the status of the capital, Mogadishu, and approval of the new policing model developed by federal and regional stakeholders with facilitation by UNSOM.

6. Institution-building and reconciliation processes continued in existing and emerging federal member states. Following the conclusion of a reconciliation process with the Marehan clan, the President of the Interim Jubba Administration, Sheikh Ahmed Islam "Madobe", announced the formation of a 34-member cabinet, including one female minister, which was approved subsequently by the Jubba Regional Assembly.

7. In the Galmudug Interim Administration, Ahl al-Sunna wal-Jama'a renewed its commitment to negotiations with the Federal Government to facilitate the implementation of the electoral process in Dhuusamarreeb, the agreed future capital of the emerging federal member state. However, the negotiations have yet to begin, and the electoral process is expected to take place in Cadaado, the interim capital.

8. In the Interim South-West Administration, tensions between the Bimaal and Habar Gidir clans in Marka, Shabelle Hoose, continued to impede the consolidation of State authority. The Federal Government engaged in a renewed reconciliation effort between the two clans; however, prospects for talks were impeded by the temporary seizure by Al-Shabaab of parts of Marka on 11 July.

9. In Puntland, the Transitional Puntland Electoral Commission started a review of the state-level electoral law, which envisages the formation of political associations and district-level elections in 2018. The process will provide the foundation for the Puntland state assembly and presidential elections in 2019.

10. The state formation process in Hiraan and Shabelle Dhexe, the only regions yet to form an emerging federal member state, continued to face resistance from several Hiraan-based clans, in particular the largest clan, the Hawadle. Several Hawadle elders are in talks with Abgal counterparts from Shabelle Dhexe to agree on a power-sharing arrangement, which could lay the foundation for state formation. At the request of the Federal Government, the Intergovernmental Authority on Development (IGAD) is mediating between the clans and has expressed its resolve to conclude the state formation process prior to the implementation of the electoral process. However, some see IGAD as forcing a process that may lack inclusiveness and could lead to confrontation between clans.

11. Talks between the Federal Government and "Somaliland" authorities remained static. In preparation for parliamentary and presidential elections scheduled for March 2017, "Somaliland" concluded voter registration exercises in Togdheer, Sahil, Gebiley, Awdal, Maroodijeex and Sanaag regions, with only Sool region remaining. In response to the conduct of the voter registration exercise by "Somaliland" in the disputed Sanaag region, clashes erupted between "Somaliland" and Puntland forces on 18 July, resulting in five troops being killed. The two sides subsequently agreed to de-escalate tensions by, among other things, redeploying their forces.

B. Security developments

12. Al-Shabaab continued to strike across central and southern Somalia and is expected to intensify its activities in the period leading up to the electoral process. In Mogadishu, the group carried out five complex attacks, on 9 May, 1 and 25 June, 31 July and 25 August, targeting police buildings, two city hotels and a restaurant at the Lido beach. At least 69 people died as a result, including a United Nations national staff member, two federal parliamentarians and the head of the Banaadir Regional Court. On 26 July, two vehicles laden with explosives were detonated outside the area of Mogadishu International Airport protected by the African Union Mission in Somalia (AMISOM), resulting in 13 fatalities, including of a United Nations national staff member and 11 private security personnel, and injuries to 12 people. On 30 August, Al-Shabaab detonated a vehicle laden with explosives at the Somali Youth League hotel after guards had prevented the vehicle from accessing Villa Somalia. Twenty people were killed and 45 others injured, including three federal Ministers and five Members of Parliament.

13. Indirect fire attacks continued across southern Somalia, targeting AMISOM, United Nations offices, airports and civilian targets. On 3 May, two projectiles landed inside the AMISOM-protected area of Mogadishu International Airport, causing damage to physical structures. On 4 May, mortar rounds hit Kismaayo Airport, in Juba Hoose, injuring a United Nations-contracted pilot. On 4 June, mortar bombs were fired at Mogadishu International Airport, injuring a soldier and damaging United Nations assets. Al-Shabaab launched mortar attacks in Baidoa, Bay region, on 2 July and 6 August. Two projectiles struck the compound of a United Nations agency, injuring a security guard and damaging the house of a national staff member. On 21 August, five mortar rounds landed near the Ministry of Transport office in Mogadishu, setting a fuel depot on fire. No casualties were reported.

14. Al-Shabaab and Somali forces fought over the control of a number of towns and villages. On 11 July, Somali troops vacated their positions in Marka, reportedly over the non-payment of salaries, enabling Al-Shabaab to regain access to parts of the town. Interim Jubba Administration forces twice attempted to reclaim Beer Xaani, Juba Hoose, on 22 and 31 July, but lost each time to Al-Shabaab. On 24 July, AMISOM and Somali forces vacated Garas Weyne, Bakool region, citing tactical reasons. Al-Shabaab gained control of the town immediately thereafter. On 2 August, following clashes between Murusade and Ayr clan militias, Al-Shabaab assumed control of parts of the village of Ximcade, Galguduud region.

15. AMISOM forces repelled an attack by Al-Shabaab against an AMISOM base at Halgen, Hiraan region, on 9 June. Reported Al-Shabaab casualties ranged from 50 to more than 100, while AMISOM reportedly suffered at least 30 fatalities and 53 injuries. In Juba Hoose, foreign and Somali special forces carried out air and ground operations on 27 May and 1 June, resulting in the death of a senior Al-Shabaab member, the suspected mastermind behind the massacre at Garissa University in Kenya in April 2015. On 28 July and 1 August, attack helicopters fired at suspected Al-Shabaab bases at Mudulow, Gedo region, and Golool Shinbir, Juba Hoose. On 11 August, Somali special forces raided a suspected Al-Shabaab hideout in Saacow, Juba Dhexe. Reports indicating that senior Al-Shabaab members were killed in that operation have not yet been confirmed.

16. Main supply routes throughout central and southern Somalia remained prone to Al-Shabaab attacks. Notwithstanding a significant decrease in roadside bombs, ambushes targeting convoys of AMISOM and Somali forces occurred regularly along the roads connecting Afgooye, Shabelle Hoose, to Baidoa, Bay region; Waajid to Rab Dhuure, Ceel Berde to Xuddur and Xuddur to Tayeeglow in Bakool region; and Beledweyne to Buulobarde in Hiraan.

17. Pro-Islamic State in Iraq and the Levant (ISIL) media outlets claimed that ISIL had carried out three attacks against Somali security forces, in Afgooye on 5 May, Baidoa on 25 July and Mogadishu on 27 July. However, the veracity of those claims is disputed.

18. In Puntland, Al-Shabaab claimed responsibility for a twin suicide bombing targeting the municipality office in Gaalkacyo on 21 August, resulting in 27 fatalities and injuries to over 100 persons. In "Somaliland", police arrested five suspected militants in Hargeysa on 15 May and 4 June, one of whom was identified as a brother of the late Al-Shabaab leader, Ahmed Godane.

III. Support for peacebuilding and State-building efforts

A. International coordination and political support

19. The Security Council visit to Somalia on 19 May offered a timely opportunity for Council members to interact with federal and regional leaders, particularly on the preparations for the electoral process. Meetings between Council members and UNSOS and AMISOM provided guidance on key security issues, while the engagement of Council members with representatives of Somali civil society and women's groups enhanced United Nations efforts to strengthen the political participation and representation of women.

20. My Special Representative maintained his efforts to enhance coordination and coherence between international partners in support of Somalia's peacebuilding and State-building processes. In particular, he set out a comprehensive approach to security in Somalia, encompassing five areas: enhancing AMISOM capability; strengthening the Somali security forces; community recovery and extending State authority; countering and preventing violent extremism, including through political engagement; and ensuring coherent support by the international community in those areas. With the encouragement of the Federal Government, my Special Representative established a forum for this purpose, involving the six principal international investors in Somalia's security, namely, the European Union, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the United Nations. At a special meeting on 22 July in Nairobi, the investors endorsed the comprehensive strategy and reflected on options for their collective support for the Somali security architecture.

21. On 29 June, the Federal Government released the first draft of its National Development Plan for the period 2017-2019, developed with support from UNSOM and the United Nations country team, in particular the United Nations Development Programme (UNDP). The Plan is the first of its kind in Somalia since 1982 and marks a significant step in pursuing a strategic approach to Somalia's development needs. Drafted through an inclusive process, incorporating the Government, the

private sector and civil society, it outlines the need for further progress with the political agenda, a coherent poverty reduction plan and the building blocks for private sector development.

22. The Federal Government, the United Nations, the World Bank and international donors established a task force to develop a mutual accountability framework between Somalia and the international community that would form, together with the National Development Plan, the post-New Deal Compact arrangement in Somalia. The Federal Government is continuing to develop the "Tubta Toosan" (right path) initiative, a programme for countering violent extremism, with support from IGAD and donors.

B. Inclusive politics

23. Despite a tight timeline as a result of political delays, efforts are under way to ensure transparent policy and procedure for the 2016 electoral process wherever possible, also laying the groundwork for universal elections in 2020. Notably, the National Leadership Forum agreed on key modalities of the electoral process, including the stipulation that ad hoc bodies charged with its implementation, namely, the Federal Indirect Electoral Implementation Team and the state-level indirect electoral implementation teams, should not contain active politicians or candidates standing for office. UNSOM and UNDP are supporting the Federal Indirect Electoral Implementation Team, whose mandate includes oversight of the conduct and uniform implementation of the electoral process, to be undertaken by the state-level indirect electoral implementation teams in the capitals of the existing and emerging federal member states. Of the 22 members of the Federal Indirect Electoral Implementation Team appointed by decree on 28 June, 7 are women.

24. Representation of women is another key area of progress. On 9 August, the National Leadership Forum agreed to instruct clan elders to ensure that 81 of a total of 275 seats in the Lower House were reserved for women, comprising 18 seats for each of the four major clans and 9 seats for the remaining minority clans. The Forum also decided that at least 30 per cent of the electoral colleges should be composed of women and that registration fees for female candidates would be half of those for male candidates. The onus is now on clan elders to ensure that those targets are met. The United Nations is supporting civil society efforts to this end, including those of a committee of goodwill ambassadors appointed by the President. The National Leadership Forum also called for 50 per cent of the candidates for the Upper House to be female but did not actually call for reserving any seats in that chamber for women.

25. While Lower House seats are to be allocated along clan lines (using the 4.5 formula) in 2016, on 9 August the National Leadership Forum reiterated the need for a clear political road map to ensure that universal elections are held by 2020. It established measures for transitioning from clan-based to multiparty politics by agreeing that Members of Parliament elected in 2016 should declare their affiliation to a political party no later than 20 October 2018. Any Member of Parliament who fails to do so would lose their seat.

26. Meanwhile, and with a view to universal elections in 2020, the National Independent Electoral Commission, with technical support from UNSOM, developed the first draft of the first ever lexicon of electoral terminology in the

Somali language. The lexicon will serve as the central tool in the formulation of voter and civic education programmes and of the terminology to be used during the drafting of the electoral law. In June, UNSOM held joint training on comparative electoral systems for members of the Commission and officials from the Ministries of the Interior and Federal Affairs, of Constitutional Affairs and of Women and Human Rights Development.

27. The Federal Parliament approved some key pending legislation, considered essential for advancing the democratic process, including the laws on political parties and the multiparty system and on the establishment of the human rights commission of 6 June and the law on the establishment of the constitutional court of 11 June.

28. The Oversight Committee of the Federal Parliament and the Independent Constitutional Review and Implementation Commission reviewed all of the chapters of the Provisional Federal Constitution and submitted to Parliament their recommendations for amendments. While Parliament did not have the time to review the recommendations, it adopted a resolution to transfer the proposed revisions for consideration by the next Parliament. Women and youth representatives from all regions of Somalia identified their priorities in relation to the review of the Provisional Federal Constitution and conveyed their recommendations to the Oversight Committee during two workshops held in Mogadishu, which received financial and technical support from the United Nations. The National Leadership Forum proposed that all remaining work on the constitutional review process be completed by the next Federal Parliament.

29. In July, UNSOM and UNDP launched an exercise on lessons learned and the way forward on the constitutional review process, which involved local and international actors, who carried out a collective assessment of the process thus far, identifying gaps and challenges and making recommendations for the future review process cycle.

C. Rule of law and security institutions

30. Although the primary focus of the Somali authorities was on the electoral process, progress was also made on developing a federal framework for rule-of-law and security institutions. Pursuant to the approval of the national security policy by the National Leadership Forum, consultations on the policy were held in the regional capitals of Cadaado, Baidoa and Kismaayo. The policy will be helpful in advancing discussions on Somalia's national security architecture, which will include a federated governance structure. UNSOM, alongside international partners, is advising Somali stakeholders on possible models.

31. Following the endorsement of the new policing model by the National Leadership Forum, technical-level discussions on the implementation of the model at the federal and state levels are ongoing. The Heegan Plan for the development of the Somali police is also being revised accordingly. At their meeting of 22 July, the six principal international investors emphasized the importance of enhanced financial support and technical assistance for the police sector. A project document for $2 million to implement the first part of the non-lethal police support package was agreed between the Government of Germany and the United Nations Office for Project Services, the implementing partner. A police projects coordination cell was

established in Mogadishu to improve information-sharing and coordination of international support for the Somali police.

32. UNSOM continued to support discussions among federal and regional stakeholders on Somalia's future justice and corrections model with a view to adopting a sustainable, harmonized model. The discussions are at an early stage, even as emerging federal member states take steps to establish their own justice institutions, which may create complications. In addition, judges are not being paid owing to insufficient budgeting, which undermines efforts to strengthen justice institutions. The United Nations is supporting the development of a national policy for traditional justice dispute resolution mechanisms, as well as mobile courts, as a means to expand affordable justice services in the emerging federal member states.

33. Integration of regional militias into the Somali National Army made slow progress in the reporting period. Basic modalities were agreed between the Federal Government and Puntland on the integration of 3,000 Puntland troops, which would allow for the provision of non-lethal support by the United Nations Office for Project Services, pursuant to Security Council resolution 2232 (2015). However, several political and technical issues have yet to be addressed, in particular with regard to command and control, and funding for the support has yet to be identified. In the Interim Jubba Administration, 1,350 militia troops in Kismaayo and 460 militia elements in Dhooble, Juba Hoose, have so far completed the requisite human rights training and are receiving the United Nations support package. However, unresolved issues surrounding command and control and a lack of arms and equipment are impeding their operational effectiveness as part of the national armed forces.

34. The delay in the regular payment of salaries for security personnel continues to be a major concern. Salaries are estimated to be between 6 and 13 months in arrears for the national armed forces and up to 15 months for the police. The Federal Government claims to have made significant progress in closing the arrears gap; however, there is limited empirical evidence to support this claim.

35. During the reporting period, 10,536 registered soldiers received stipends funded by the United States and the United Kingdom, totalling $2.4 million. With support from the European Union and Japan, approximately 6,500 federal police officers were paid outstanding stipends covering the period from January to November 2015. All other eligible officers will be paid when payment teams visit the emerging federal member states. The European Union also intends to cover stipends for 6,500 federal police officers for nine months of 2016. The United Kingdom provides stipends in Baidoa and Kismaayo to 592 police officers out of an envisaged 1,200 who have completed a three-month training course conducted by the AMISOM police. Planned training and stipend support for 600 police officers in Beledweyne has yet to commence. The United Arab Emirates is also paying stipends; however, no data is available, which reinforces the need for enhanced international coordination under a comprehensive approach to security.

36. The Mine Action Service of the United Nations, with funding from the United Kingdom, provided technical assistance and support to the Federal Government on compliance with its obligations under the arms embargo. The Service coordinated with the Somali Explosive Management Authority and the Minister of Internal Security to advance discussions regarding the Authority's formal integration into the Ministry.

37. UNSOM continued to support the pilot rehabilitation project for high-risk prisoners in Baidoa. Individual, environmental and risk assessments were developed to guide individually tailored programme implementation. At the transition centre for low-risk disengaged combatants in Baidoa, 30 male candidates graduated after being trained in language, vocational and business skills, and are being reintegrated into the community. With funding from Germany, construction of the fourth rehabilitation facility in Somalia for low-risk disengaged combatants started in Kismaayo and is expected to be operational by October.

D. Economic foundations

38. The World Bank estimated that Somalia's annual per capita gross domestic product (GDP) is $450, and consumption remains its key driver. The economy is highly dependent on imports, notably food, building materials and fuel, creating a large trade deficit that is financed mainly by remittances and international aid. Exports, mostly to the Arab Gulf countries and amounting to 14 per cent of GDP, tripled over the past six years, reaching $859 million in 2015. Livestock accounts for about 80 per cent of exports and is the main source of foreign exchange.

39. Preliminary results from a high-frequency survey conducted in Somalia in 2016, undertaken with support from the World Bank, indicate that approximately 69 per cent of Somalia's population lives below the poverty line (below $1.90 per day, in terms of 2011 purchasing power parity). Poverty is more pronounced in camps for internally displaced persons, estimated at 88 per cent, followed by rural areas, at 75 per cent, and urban areas, at 67 per cent. Chronic poverty is exacerbated by a lack of economic activity, population displacement and large-scale food insecurity, caused in part by recurring drought and other adverse weather conditions.

40. More than half of Somalia's labour force (15 to 64 years of age) is looking for work; unemployment is highest in settlements for internally displaced persons. Women often fall outside the labour force and work in the household. Somalia has a predominantly young population; 75 per cent of Somalis are below 29 years of age. Somali youth, between 15 and 24 years of age, are better educated but more likely to be unemployed.

41. In May, the International Monetary Fund approved a staff-monitored programme for Somalia that is geared towards re-establishing macroeconomic stability, building capacity to strengthen macroeconomic management, rebuilding institutions and improving governance. Macroeconomic stability and the reforms required to achieve it are noted as key objectives in the upcoming National Development Plan.

E. Revenue and services

42. The Federal Government has presented a fiscal budget for parliamentary approval for four years in a row. Public expenditures have increased significantly, from $35.1 million in 2012 to $135.4 million in 2015, driven by marked increases in revenue. Domestic revenue collection grew by 36 per cent from 2014 to 2015, from $84.3 million to $114.3 million, driven mainly by trade taxes. However, this amounts to only 2.8 per cent of GDP; more than 70 per cent of domestic revenues is generated from international duties. A lack of actualization of donor commitments

was a hindrance to overall revenue performance in 2015, and only 32 per cent of budgeted donor funds were realized. Poor collection capacity, a narrow tax base, the absence of necessary legal and regulatory frameworks, and political disputes hamper full revenue mobilization. Current revenue levels are inadequate for the Federal Government to be able to deliver services to its citizens.

43. Across Somalia, funding for education averages less than 5 per cent of government budgets, and the Government lacks human and technical capacity to effectively manage education services. Despite those constraints, an additional 15,713 children (58 per cent of whom are girls) gained access to education between January and June 2016.

44. Access to basic services in Somalia continues to be severely constrained and is likely to be further affected by any mass refugee returns from the Dadaab camp in Kenya.

F. Cross-cutting issues

Community recovery

45. Community recovery and the extension of State authority is a key dimension of a comprehensive approach to security in Somalia. Central to efforts in this regard is support for a Somali-led, whole-of-Government approach to promote good governance, justice and socioeconomic development to address the underlying drivers of fragility within communities. The priority plan for Somalia was approved in May with a funding allocation of $13 million from the Peacebuilding Fund, and will be utilized by the United Nations to advance this approach together with the Somali authorities and communities at the district level in southern and central Somalia.

46. The Interim Jubba Administration held a community planning session in Baardheere, Gedo region, in May, which identified the rehabilitation of the airstrip and key bridges, the repair of a key road in the town and construction of the district administration's office and a community centre as key priorities. The United States Agency for International Development is collaborating with the administration authorities on responding to those needs. Similarly, the Interim South-West Administration held a community planning session in Diinsoor, Bay region, in June. Participants identified the rehabilitation of the airstrip and the construction of a key road, a courthouse and a secondary school as some of the key priorities. A project to rehabilitate the airstrip in the town of Berdaale, Bay region, was completed in April by the United States Agency for International Development. Previously, access to the town had been limited by Al-Shabaab, which had hindered interaction between the authorities and residents. The project has resulted in improved access and increased economic opportunities.

47. The Somalia Stability Fund support has been focused on eight districts to date: Xuddur and Waajid, Bakool region; Berdaale, Bay region; Baraawe, Shabelle Hoose; Warsheikh, Cadale and Mahadday Weym, Shabelle Dhexe; and Baardheere, Gedo region. Support in these areas is provided on the basis of community consultations and typically consists of the rehabilitation of district administration buildings and community infrastructure and projects to bolster the local economy, including support for small-scale businesses and employment-intensive work schemes.

Human rights

48. There was a rise in human rights violations during the reporting period, due primarily to security operations and Al-Shabaab activity. Reported civilian casualties totalled 387, including 159 deaths and 228 injuries. Operations by security forces resulted in 83 civilian casualties, of which 16 deaths and 31 injuries were attributed to the Somali security forces; 5 deaths and 9 injuries to AMISOM; and 9 deaths, including of 4 children, and 11 injuries to air strikes by the Kenyan military operating bilaterally in Gedo region. Local elders denounced reported air strikes and later engaged the Government of Kenya, resulting in an agreement to cooperate to prevent civilian casualties. No outcome has been reported so far from the investigative committee established by the office of the Prime Minister of Somalia after the air strikes by the Kenyan military in Gedo in January, which reportedly resulted in 29 deaths and the destruction of livestock, water wells and houses.

49. Civilian casualties attributed to Al-Shabaab or unidentified persons totalled 98 deaths and 116 injuries. A total of 44 people were abducted by Al-Shabaab, 10 of whom were later released. The attacks represent an increase of 51 per cent from the previous period, due largely to 162 Al-Shabaab attacks in June. In addition, eight civilians were killed in the crossfire between security forces and either militia or Al-Shabaab.

50. Since January, 64 death sentences have been issued in Somalia, 51 of them in Puntland, including 48 in June alone. The military court of first instance condemned 43 captured Al-Shabaab fighters to death, including 12 fighters provisionally identified by the United Nations as being under 18 years of age. A further 63 captured Al-Shabaab fighters, including 52 juveniles, are pending trial.

51. "Somaliland" and Puntland continued a negative trend concerning the protection of freedom of expression. Nine persons were arrested, including six journalists, for criticizing the decision by the "Somaliland" government to lease the port of Berbera. In Puntland, the Minister of Information introduced new regulations restricting the media from interviewing "terrorist groups" and requiring staffing lists from media houses. He also suspended a radio station for 12 days following its interview with the former Governor of Bari region. UNSOM and the Office of the United Nations High Commissioner for Human Rights are finalizing a public report on freedom of expression in Somalia, to be issued in September.

52. In June, the Human Rights Council adopted the outcome report of the universal periodic review of Somalia (A/HRC/32/12), which contained 228 recommendations, 168 of which were accepted and 60 were noted by the Federal Government. The bill establishing a national human rights commission, which had been pending since 2013, was approved on 6 June and signed into law on 14 August, and is largely in compliance with the Paris Principles.

Gender equality and women's empowerment

53. In June, the Federal Cabinet approved the national gender policy, formulated with United Nations support, paving the way for institutionalization in the areas of gender mainstreaming and women, peace and security. The continued advocacy of the United Nations and international partners resulted in the appointment of the committee of goodwill ambassadors to advocate with Somali leaders, traditional

elders and the wider public for realization of the commitment to reserve 30 per cent of parliamentary seats for women.

54. On 24 June, two of the three female Federal Cabinet ministers were dismissed and replaced by male candidates, further contributing to a gender imbalance in decision-making bodies. On 28 June, an association of religious scholars denounced the national gender policy and women's political participation, including the work of the Ministry of Women and Human Rights Development, but later admitted this as a mistake at a meeting with the Federal Cabinet. Fear and intimidation have increasingly spread among women leaders and aspiring candidates, increasing the risk that women's political participation and representation could be adversely affected.

Child protection

55. The country task force on monitoring and reporting in Somalia recorded 506 incidents of grave violations against children during the reporting period, of which 473 incidents affecting 780 children (147 girls and 633 boys) were verified. The majority of the violations related to recruitment and use (302), followed by killings and maiming (258), abductions (217), sexual violence (75), attacks on schools and hospitals (13) and denial of humanitarian access (4). Sixty-six children were detained in Puntland for their association with Al-Shabaab, 12 of whom were issued with death sentences.

56. Currently, 78 boys are enrolled in a community-based reintegration programme supported by the United Nations Children's Fund in Mogadishu, including 43 captured in March 2016 during hostilities between Galmudug forces and Al-Shabaab.

57. From 16 to 21 July, my Special Representative for Children and Armed Conflict visited Somalia to assess the impact of the conflict on children and to follow up on the commitments made by the Federal Government on the implementation of action plans on ending the recruitment and use of children and on the killing and maiming of children. She discussed with relevant authorities concerns about the detention of children for association with Al-Shabaab and recent allegations that the National Intelligence and Security Agency of Somalia had used children in its custody as informants. In Puntland, she called on the authorities not to execute the 12 children sentenced to death and to facilitate the reintegration and reunification of all 66 children with their families in their places of origin. She stressed that federal and regional authorities must resolve existing legal ambiguities and domesticate Somalia's international obligations under the Convention on the Rights of the Child.

Prevention of sexual violence

58. Protections for the prevention of sexual violence remain weak, with internally displaced persons and civilians affected by conflict at particular risk.

59. On 7 May, two girls aged 15 and 17 years were allegedly raped by 14 AMISOM soldiers in Galguduud region. AMISOM investigated the case but stated that it was not possible to corroborate the facts sufficiently to justify convening a board of inquiry. On 9 May, seven men aged between 19 and 24 years

were convicted of raping a 14-year-old girl in Shabelle Dhexe on 21 March, and were sentenced to 20 years of imprisonment each, in addition to heavy fines.

Targeted sanctions

60. On 20 July, the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea briefed the Council on the latest findings of the Monitoring Group on Somalia and Eritrea. The briefing included the assessment that Al-Shabaab remains the main threat to peace and security in Somalia, with an insurgency in Puntland led by Abdulqadir Mumin, who has declared allegiance to ISIL. It also drew attention to, among other items, a lack of transparency in the management of public contracts, continued delays in the payment of salaries to national troops, violations against civilians by both national and international security forces and continued forced recruitment of children.

IV. Humanitarian situation

61. The humanitarian situation in Somalia remains precarious. Some 4.7 million people, or 38 per cent of the population, are in need of assistance. Nearly 1 million people are unable to meet basic food needs, while 305,000 children under 5 years of age are acutely malnourished, including 58,300 who require urgent treatment. El Niño-induced drought hit parts of Puntland and "Somaliland", where 385,000 people face acute food insecurity and another 1.3 million are at risk of sliding into acute food insecurity if they do not receive assistance.

62. Gu rains from March to June brought temporary relief in parts of Puntland and "Somaliland". However, food security in parts of the country is expected to deteriorate between July and December owing to erratic rains and a below-average Gu harvest, particularly in the major cereal-producing areas of Bay and Shabelle Hoose.

63. An outbreak of acute watery diarrhoea/cholera continued in southern and central Somalia. More than 12,500 cases, over half of them children under 5 years of age, have been reported since the start of 2016, an alarming increase from the 5,257 cases reported in 2015. With partner support, the Ministry of Health finalized the first draft of a five-year (2017-2022) preparedness and response plan of action against acute watery diarrhoea/cholera.

64. In May, flooding displaced an estimated 70,000 people in Beledweyne, all of whom were able to return to their homes by mid-July. Partners provided life-saving assistance and rehabilitated damaged infrastructure to mitigate the impact of future flooding.

65. Between January and June, humanitarian partners reached 490,500 people with food assistance and 142,400 people with activities aimed at building livelihoods, including cash-for-work, food-for-work and training programmes. Some 490,000 people were reached with livelihood seasonal inputs, including seeds, tools, fishing equipment, irrigation vouchers and livestock vaccination. A total of 125,000 children under 5 years of age were treated for acute malnutrition. Over 1.6 million people received basic health-care services and over 1 million were provided with temporary and sustainable access to safe water. The protection cluster reached nearly 123,000 people, while education partners reached 89,000 learners with temporary learning

spaces, school supplies and nutrition. Over 81,600 people were assisted with non-food items and transitional shelter.

66. To date, the 2016 Somalia Humanitarian Response Plan has received $319 million, or 36 per cent, of the $885 million requested. Another $84 million is funded outside the Plan. Education remains underfunded, at only 21 per cent.

67. A meeting on 25 June between the United Nations High Commissioner for Refugees and Somali and Kenyan authorities reaffirmed the principles of the tripartite agreement governing the voluntary repatriation of Somali refugees living in Kenya. Following that, the Office of the High Commissioner launched a supplementary appeal for $115.4 million to support the return and reintegration of refugees from the Dadaab camp in Kenya. The Office plans to assist 150,000 voluntary returns from Dadaab to Somalia by the end of 2016. More than 17,000 Somali refugees have returned since December 2014, including 12,000 in 2016 alone.

68. Irregular migration of Somalis continues, driven by instability and the lack of education and employment opportunities. The Federal Government reported that 200 Somali migrants were among the dead in a boat tragedy in April 2016 in which 500 people drowned in the Mediterranean Sea.

V. Support to the African Union Mission in Somalia, the Somali National Army and the United Nations Assistance Mission in Somalia

69. Logistical support to AMISOM continued, with progress in a number of key areas. In particular, preparations for the electoral process saw increased coordination between AMISOM and the United Nations at the strategic and operational levels to ensure adequate security and logistical support.

70. The AMISOM concept of operations was reviewed in June in Addis Ababa and Nairobi. The revised concept of operations, approved by the AMISOM troop- and police-contributing countries' Military Operations Coordination Committee and by the African Union Peace and Security Council, underscores the need for AMISOM to support the political and electoral processes in Somalia and undertake offensive operations to clear Al-Shabaab safe havens by securing population centres and main supply routes. It also signals the commencement of a gradual drawdown of AMISOM by the end of 2018, following the progressive implementation of a plan for the capacitation of the Somali security forces. UNSOS is reviewing its support concept in order to continue to effectively support AMISOM in the light of the revised concept of operations.

71. Technical discussions took place from 25 July to 18 August between the African Union, the United Nations and troop- and police-contributing countries on the tripartite memorandum of understanding concerning arrangements for the reimbursement of eligible contingent-owned equipment and self-sustainment items to the troop- and police-contributing countries, as authorized by the Security Council in its resolution 2245 (2015). The parties agreed in principle to a draft text of the memorandum of understanding. An initial review indicated significant gaps in equipment-related and other capacities of troop- and police-contributing countries, which may require the support of international partners. UNSOS is also establishing

a mission enabling unit, to be operated by AMISOM troops, with mentoring provided by the Mine Action Service, UNSOS and partners, to improve freedom of movement on the main supply routes. Finalization of the tripartite memorandum of understanding will also guide operationalization of the mission enabling unit.

72. Discussions between the United Nations, the African Union and Kenya on the tripartite letter of assist for the deployment of three military helicopters in AMISOM are at an advanced stage. UNSOS and the Department of Field Support are working to identify other possible contributors.

73. The Mine Action Service provided technical support and training to AMISOM in all sectors, including on explosive ordnance disposal and improvised explosive device defeat. During the review of the concept of operations, the Service provided a detailed analysis of the threats posed by improvised explosive devices over the past 12 months and how they affected AMISOM operations, which formed the basis for a proposed enhancement of AMISOM mobility operations.

74. UNSOS continued to provide logistical support to eligible national troops, as authorized in resolution 2245 (2015). So far, 10,014 of the 10,900 authorized national troops operating in all AMISOM sectors have been trained on human rights obligations. As part of the broader effort to improve joint operations by AMISOM and the national armed forces, UNSOS is participating in an assessment of the capability of the national armed forces to carry out joint operations with AMISOM, scheduled to be completed by September. The assessment will also help to ensure that only individuals trained in line with the United Nations human rights due diligence policy receive support.

75. The United Kingdom deployed a further 34 military personnel to Somalia in July, bringing its total number to 42 out of a total of 70 authorized personnel. They are currently deployed in sector 1 (Mogadishu), sector 3 (Baidoa) and sector 6 (Kismaayo). The personnel contributed expertise and advice in areas including discussions on the tripartite memorandum of understanding and the enhancement of protection measures at Mogadishu International Airport.

Human rights due diligence policy

76. On 28 June, the human rights due diligence policy task force endorsed the general and preliminary risk assessment of the national armed forces. It contains recommended mitigation measures to be communicated to the army for its consideration and to other partners, including the diplomatic community, the European Union training mission and AMISOM, to potentially support implementation of the proposed measures. Lessons from the Somalia human rights due diligence policy implementation framework were used in a workshop to identify key elements for a human rights framework for African Union peace and security operations, held in Addis Ababa in June.

77. UNSOM engaged AMISOM within the human rights due diligence policy framework on reported allegations of violations of international human rights and humanitarian law during the reporting period. Marked progress was noted on responses from AMISOM to communications in this regard, but further efforts are needed on mitigation measures, accountability and remedies to victims.

VI. United Nations presence in Somalia

A. Expansion of the United Nations presence

78. The overall staff ceilings for Somalia, except for "Somaliland", slightly decreased from 622 to 606 over the reporting period. The number of United Nations international personnel in Somalia averaged 470. Mogadishu has the largest presence, with a staff ceiling of 445 and an average presence of 327. Boosaaso has a staff ceiling of 29 and an average presence of 20; Garoowe has 42 and 34; Gaalkacyo has 18 and 11; Beledweyne has 13 and 7; Doolow has 13 and 8; and Kismaayo has 30 and 10, respectively. Hargeysa has no staff ceiling and averages around 40 personnel. In Kismaayo, the construction of new minimum operating security standards-compliant accommodation raised the staff ceiling from 17 to 30, while in Baidoa a reduction in the staff ceiling meant that the international presence is now regularly at the maximum level of 16.

B. Staff safety and security

79. On 24 May, the security risk level for the AMISOM-protected area at Mogadishu International Airport was increased from medium to high. The United Nations presence was adjusted accordingly after a programme criticality assessment. UNSOS implemented risk mitigation measures, including adding sidewall protection for all soft-wall accommodation and offices and installing shatter-resistant film on all windows. UNSOS is working to construct sufficient minimum operating security standards-compliant accommodation to provide overhead protection to all United Nations personnel within the airport.

80. Following the attack on 26 July near Mogadishu International Airport, my Special Representative, together with the Special Representative of the Chairperson of the African Union Commission for Somalia, met with the President and senior Somali security officials to discuss a security upgrade for the airport. Mitigation measures being considered include a diversion of light and heavy commercial and unauthorized vehicles from using Airport Road in the vicinity of the airport, a ban on commercial trucks entering Madina Gate at the airport and the provision of alternate entrances into the airport for national staff working for the United Nations, AMISOM and the international community. Additionally, the National Intelligence and Security Agency, Somali police and AMISOM troops would be required to bolster checkpoints on Airport Road approaching Madina Gate.

81. In the light of the increasing number of security incidents in Mogadishu, my Special Representative is preparing an analysis of additional, unforeseen security costs that are not reflected in the budgets of United Nations entities in Somalia, to be submitted in the near future.

VII. Observations

82. Throughout my term as Secretary-General, I have taken great personal interest in Somalia and have made it one of my top priorities. My Deputy and I, between the two of us, have travelled four times to the country, which was once a byword for State failure but today appears a precious, if fragile, testament to the possibilities of

peacebuilding. Since the Federal Government and Parliament began their terms in 2012, Somalia has made commendable progress, guided by the aspirations and determination of its people and supported by the international community. This month, Somalia embarks on a transition of power to a new legislature and executive — a watershed moment and a milestone on the road to becoming a fully fledged, inclusive and stable democratic State. Yet progress is still reversible. I underscore the need for reinvigorated efforts ahead to further advance the State-building process.

83. The implementation of a credible and transparent electoral process with the participation of all sectors of Somali society, including women, youth and minorities, is critical. I welcome the preparations made so far in this regard, particularly the operationalization of the ad hoc electoral implementation bodies, and call for the implementation of the electoral process in accordance with the announced timelines.

84. That process should respect the calls for inclusivity and transparency articulated by the Somali people in the National Consultative Forum and captured in the Mogadishu Declaration of December 2015. In particular, the women of Somalia must have their voices heard in Somali politics. I am concerned that Somalia's leaders have yet to agree with clan elders upon a mechanism to implement their commitment to reserve specific seats for women candidates. I call on all stakeholders, in particular Somalia's leaders and the heads of its clans and subclans, to ensure that the objective of reserving 30 per cent of parliamentary seats for women is realized. I commend the efforts of the committee of goodwill ambassadors, women's rights activists and civil society members in this regard.

85. I am seriously concerned by recent threats and intimidation directed against candidates, civil society, women's leaders and activists, and journalists in the context of the electoral process. I call on all federal and regional authorities to ensure the protection of human rights, particularly with respect to freedom of expression and participation in the political process. Security institutions must be accountable to political leaders responsible for ensuring the rule of law. Any restriction on fundamental rights risks strengthening the appeal of those opposed to the Somali State-building enterprise.

86. I welcome the decision of the Federal Indirect Electoral Implementation Team finalizing the calendar for the 2016 electoral process, and its endorsement by the National Leadership Forum. Taking note of the delay on technical grounds in these dates compared to Somalia's constitutional timelines, and of the need to avoid an institutional vacuum while the electoral process is completed, I acknowledge the decision of the Forum that the executive should remain in office in a caretaker capacity until the election of a new President. I also take note of the Federal Parliament's decision to extend its term until the results of the electoral process are announced. The United Nations expects that these extraordinary arrangements will be used responsibly and that no party will take any action that could undermine a smooth and credible political transition.

87. I commend the role of the National Leadership Forum in recent months to drive forward the political agenda in Somalia. While of an informal character, it has emerged as a critical political forum, the nucleus of a genuinely federated approach to the political process. I urge the Forum to continue its vital and constructive role in the aftermath of the political transition and as Somalia continues its work of

building a federal State, particularly to help to build consensus around further refinement of the Provisional Federal Constitution. In this regard, I acknowledge the review of the Provisional Federal Constitution by the Parliamentary Oversight Committee and the Independent Constitutional Review and Implementation Commission, and call on all relevant stakeholders to promptly consider the proposed revisions when the new Federal Parliament is constituted.

88. As its term comes to an end, I commend the Federal Parliament for its essential role over the past four years, under the leadership of the Speaker, Mohamed Osman Jawari. I commend the Members of the outgoing Parliament for passing key legislation and their commitment to Somalia's progress and future in a deeply challenging environment, which cost 18 Members of Parliament their lives as a result of acts of terrorism.

89. The lack of meaningful progress on the only remaining state formation process, in Hiraan and Shabelle Dhexe, is of concern. I welcome the continued efforts of the United Nations, IGAD and other partners to resolve the outstanding issues in consultation with the various actors in the two regions, through an inclusive process aimed at durable reconciliation.

90. None of this political progress would be possible without security. I pay tribute to the brave men and women of AMISOM and the Somali security forces for their efforts and sacrifices. Much work remains to be done, particularly to ensure that all Somalis feel the benefit of security gains and that these gains are made sustainable. AMISOM and Somali national army efforts must be embedded in a comprehensive approach to security that is human rights-compliant and encompasses the building of a truly federated Somali security sector, community recovery and extension of State authority, countering and preventing violent extremism and strengthened coordination among key international partners.

91. The development of Somali security institutions, in particular, is crucial and needs to be accelerated, especially in the light of the drawdown of AMISOM envisaged to commence by the end of 2018. I remain concerned about the non-payment of regular salaries to Somali security personnel. I welcome the endorsement by the National Leadership Forum of the national security policy and the new policing model, and urge all stakeholders to build on these national frameworks to create an effective and efficient security sector capable of providing security to the Somali people against internal and external threats. Without sustained and coherent support, determination and speedy progress on a comprehensive security effort, Somalia will remain vulnerable, and its gains subject to potential reversal.

92. Our efforts to curb the threat from Al-Shabaab must go beyond the military. I emphasize the importance of a comprehensive approach to the restoration of security in Somalia that is grounded in the protection of human rights. This must include exploring, in a holistic manner, all pathways towards durable peace and reconciliation in Somalia. I look forward to the launch of the Federal Government's "right path" plan for countering violent extremism as a step towards a more comprehensive approach.

93. I remain deeply concerned about the human rights situation in Somalia, including the increase in the number of death sentences, and the protection of women and children. Notwithstanding important commitments made by the Somali

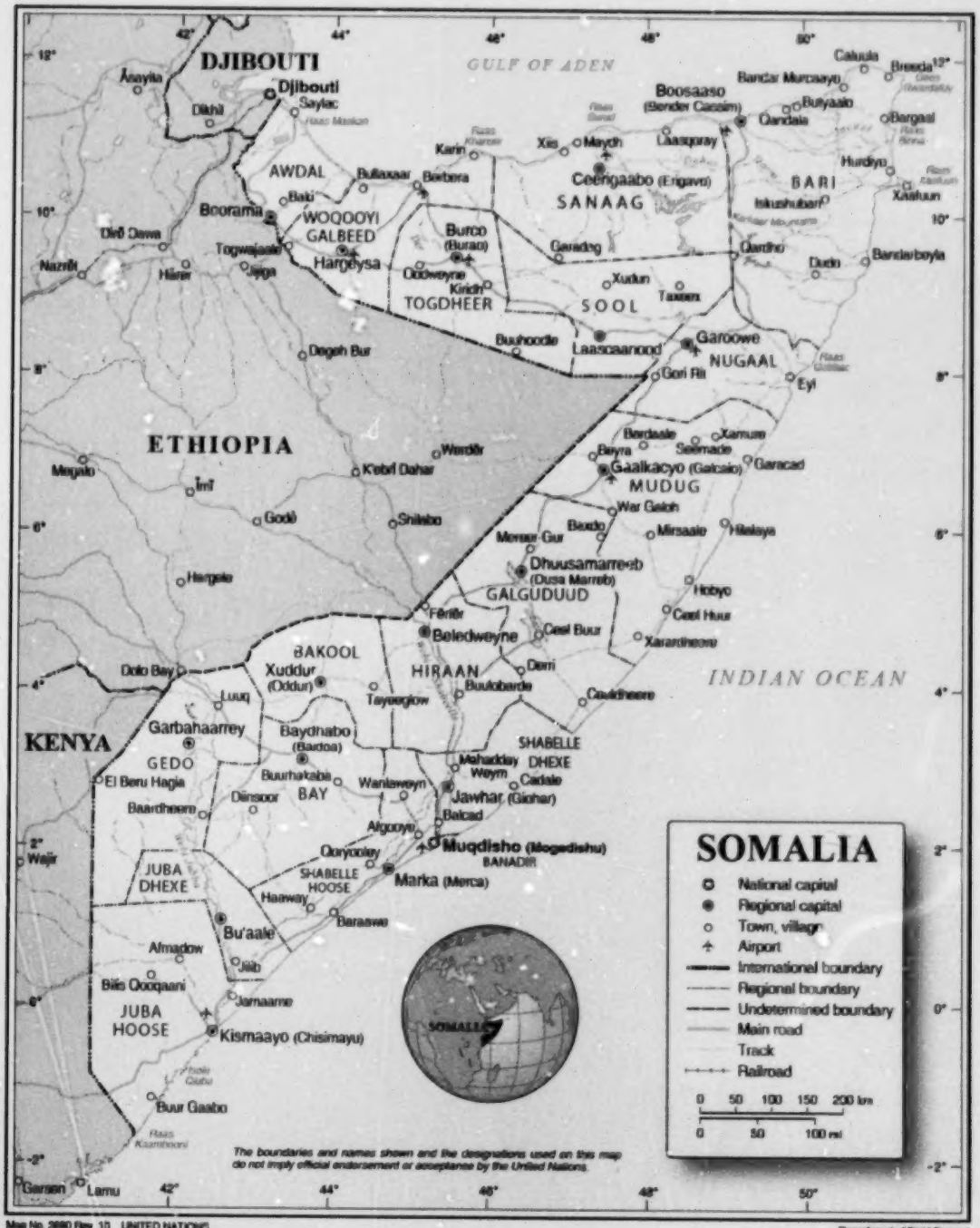
authorities in the past few years to protect children, the detention of children for their association with Al-Shabaab remains an ongoing concern. I urge the Somali authorities to treat those children primarily as victims, with the best interests of the child and international protection standards as guiding principles. Death sentences issued against children in Puntland are unacceptable, and I urge Puntland authorities to facilitate the reintegration and reunification of all of the children with their families.

94. I applaud the preparedness efforts by local authorities and humanitarian partners to reduce the impact of El Niño-related floods. However, the humanitarian situation remains dire and is expected to be further strained in the coming months by deteriorating prospects for food security and the return of refugees from Dadaab. I urge the international community to redouble its support for critical humanitarian action and durable solutions in Somalia.

95. I welcome the release of the first draft of the National Development Plan by the Federal Government, a significant first step towards addressing the root causes of socioeconomic challenges and charting a development path for Somalia. Somalia's progress also depends on the State's ability to generate revenues and deliver public goods, including security and education. The formation of partnerships between the public and private sectors and the utilization of benefits from the remarkable entrepreneurship of Somalis, including a very dynamic diaspora, must be pursued.

96. I wish to convey my heartfelt thanks to the African Union, AMISOM, IGAD, the European Union, Member States, non-governmental organizations and other development partners for their sustained support and engagement in the peacebuilding and State-building process in Somalia.

97. I am deeply saddened by, and condemn, the acts of terrorism that claimed the lives of 2 United Nations staff members and 11 private security personnel, among others, in Mogadishu. I pay tribute to my Special Representative, Michael Keating, my two Deputy Special Representatives and the staff of UNSOM, UNSOS and United Nations agencies, funds and programmes in Somalia. Their hard work and unshakeable commitment, under challenging and often dangerous conditions, shows the best of the United Nations.



Map No. 3690 Rev. 10 UNITED NATIONS
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Security Council

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9 September 2016
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Letter dated 6 September 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to draw the attention of the Security Council to the situation regarding the inclusive national political dialogue convened in November 2015 by the President of the Democratic Republic of the Congo, His Excellency Mr. Joseph Kabila Kabange, with a view to defusing the political situation and allowing the various components of Congolese society to reach consensus in order to bring the electoral process to a successful conclusion.

It is no secret that a certain fringe opposition group initially opposed the dialogue and subsequently made its participation contingent on the appointment of an international facilitator by the United Nations. Consequently, the Special Envoy of the Secretary-General for the Great Lakes Region, Mr. Said Djinnit, was given the responsibility of consulting with the Congolese political class; however, in response to the opposition's reservations regarding Mr. Djinnit, the United Nations then requested the African Union to appoint a facilitator.

Mr. Edem Kodjo was subsequently appointed to serve in that capacity. Following that appointment the presidential majority, in the interests of national harmony and cohesion, conceded to the following opposition demands:

- The establishment of an international support group, composed of representatives of the United Nations, the European Union, the International Organization of la Francophonie, the African Union and the United States of America, to assist the facilitator;
- The release of so-called political prisoners;
- The opening of media outlets.

Despite the efforts of the facilitator to reconcile the various positions and of the presidential majority to meet the demands of the opposition, the latter continues to prevaricate, imposing new conditions in order to stall the process. Against this backdrop, one opposition group, through the President of the Union pour la démocratie et le progrès social (UDPS), has unilaterally rejected the international facilitator and requested the African Union to appoint another. The group, which has recently opposed the start of the preparatory work for the dialogue, has also called for a one-day general strike to create unrest in Kinshasa and blame the Government for the consequences.

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Given the behaviour of certain opposition political actors who are rejecting the voice of reason and putting the greater good of the country at risk, my Government calls the Security Council to witness and requests it to:

1. Take note of the Government's good faith and recognize the efforts it has made, through gestures of conciliation, to defuse the situation and enable the dialogue to proceed smoothly;

2. Note and condemn the irresponsible behaviour of a fringe opposition group which, in boycotting the dialogue, is pursuing a hidden agenda that will impede the peaceful resolution of the political situation and create an atmosphere of unrest and violence in the country;

3. Call on the recalcitrant group to refrain from any act liable to result in violence or threaten law and order, and to rejoin the dialogue, which is the proper forum for discussing all claims in order to reach a consensus that will enable the organization of credible, fair elections in a peaceful climate;

4. Hold the opposition group, should it continue to refuse to participate, fully accountable for any disturbances that occur in the country.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Ignace **Gata Mavita**
Ambassador
Permanent Representative

United Nations S/2016/765

Security Council

Distr.: General
7 September 2016

Original: English

Identical letters dated 6 September 2016 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I am writing to inform you that on Sunday, 4 September, at 1630 hours, a 122-mm artillery shell was fired from Syria into Israeli territory and landed in the El-Foran intersection in the Golan Heights, at UTM 7570/6702. In response, the Israel Defense Forces took defensive actions against the source of the fire.

This is yet another instance of the spillover of the fighting in Syria into Israeli territory. Since the beginning of July 2016, four rockets have landed in Israeli territory, and there have been 29 instances of cross-border shootings into Israel.

I would like to emphasize that Israel reserves the right to act to protect its territory, civilians and interests. Israel has no interest in getting involved in the conflict in Syria, but will not tolerate shooting towards its territory.

Israel demands that the Syrian regime abide by the 1974 Disengagement of Forces Agreement.

I should be grateful if you would have the present letter distributed as a document of the Security Council.

(*Signed*) Danny **Danon**
Ambassador
Permanent Representative

16-15566 (E) 080916

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United Nations S/2016/766*

Security Council

Distr.: General
7 September 2016

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Report of the Secretary-General pursuant to Security Council resolution 2240 (2015)

I. Introduction

1. The present report is submitted pursuant to paragraph 18 of Security Council resolution 2240 (2015), by which the Council requested me to report on the implementation of the resolution, in particular paragraphs 7 to 10 thereof.

2. The report covers developments since the date of adoption of the resolution (9 October 2015) until 31 August 2016. The information and observations herein are based on submissions by Member States, regional arrangements and other relevant stakeholders. The United Nations system was also widely consulted.

II. Smuggling of migrants and trafficking in persons in the Mediterranean Sea off the coast of Libya[1]

3. Notwithstanding my calls to address the causes and drivers that lead people to cross the Mediterranean Sea using irregular channels and to make saving lives a priority, national and regional efforts have not resulted in an immediate improvement in the situation. More than 10,000 men, women and children on their way to Europe have died or gone missing at sea since 2014. As at 31 August 2016, the Office of the United Nations High Commissioner for Refugees (UNHCR) had recorded 3,169 deaths and disappearances in the Mediterranean Sea and 281,740 arrivals in Europe by sea in 2016.

4. The large majority of men, women and children who are smuggled and trafficked by sea from the northern shores of Africa to Europe depart from Libya, in particular from the areas immediately east and west of Tripoli, and arrive in Italy. This is commonly referred to as the "central Mediterranean route". In 2015, UNHCR recorded more than 150,000 arrivals in Italy by sea, some 90 per cent of which had departed from Libya. According to UNHCR and the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA), as at 15 August 2016, more than 100,000 people, originating largely from sub-Saharan countries, had arrived in Italy in 2016. Those arriving include asylum seekers and refugees fleeing from conflict and persecution. The

* Reissued for technical reasons on 21 September 2016.

[1] Referred to herein as "smuggling and trafficking".

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routes and the composition of groups arriving remain in flux. Reflecting this dynamic, the European Union military operation noted a significant increase in movement along the sea route from Egypt to Italy and from Algeria to Italy in recent months. Some launches from Turkey and Tunisia to Italy were also observed. It assesses that increasing control over some routes, including from Libya to Italy, may have led to more frequent use of other routes. The number of unaccompanied or separated children arriving in Italy by sea has also increased significantly compared with 2015, by some 116 per cent for the period from January to July 2016.

5. Organized criminal networks, including those involved in smuggling and trafficking, have exploited the security situation in Libya to expand their operations, which in turn has fuelled instability. These profitable activities may have provided both direct and indirect funding for armed groups and terrorist organizations, further worsening the security situation and eroding government control. There are also signs that criminal enterprises have increased the fragility of governance structures by breeding corruption.

6. The business model of migrant smugglers is based on meeting the demand for crossings into Europe by asylum seekers, refugees and migrants. As controls tighten and in the absence of commensurate safe and regular pathways, irregular crossings become more difficult, leading to a growing market for the services of smugglers. An increase in demand can therefore be expected. The European Police Office (Europol) estimates that more than 90 per cent of the persons travelling irregularly to States members of the European Union in 2015 used facilitation services. It also estimates that criminal networks involved in migrant smuggling had a turnover of between 5 billion and 6 billion euros in 2015.

7. To make the crossing from North Africa to Europe, a variety and combination of vessels are utilized, ranging from single-use rubber dinghies and makeshift vessels to wooden boats and larger fishing vessels. Such vessels may be used not only for crossings, but also for transferring persons to other vessels and as lookout or guard vessels for smugglers and traffickers. These vessels, in addition to being unseaworthy and lacking life-saving equipment, mostly do not carry sufficient fuel to reach European shores. The European Union military operation assessed that migrant smuggling networks in Libya appeared to have found a reliable source of unseaworthy rubber boats, which is of particular concern. The consequence of this reckless endeavour is the immense loss of lives that we continue to witness. While smugglers do not usually accompany those transported, they are occasionally present on other vessels supervising the crossing. Those smuggled are usually instructed to manoeuvre the vessels, which often also carry communication equipment to dispatch distress calls directly to rescue institutions such as the Italian Maritime Rescue Coordination Centre.

8. The smuggling networks along the main routes of movement are loosely connected and vary in size and scope, involving nationals of more than 100 countries, according to the International Criminal Police Organization (INTERPOL) and Europol. The networks feature different key structures, including leaders, local managers, brokers, individuals in charge of the collection and transfer of money, local facilitators and providers of specific criminal services such as counterfeit identification and travel documents. The European Union estimates that the individual fare to cross from North African shores to Europe on an inflatable

boat ranges from 1,000 to 3,000 euros and more, depending on the type of vessel and services offered. The profit per transit for smugglers is put at between 70,000 and 400,000 euros, or more when fishing vessels are used. The smuggling of migrants is not an isolated undertaking. Individuals and networks also engage in other forms of criminal activity. Existing networks, smuggling infrastructure and logistics may also be used to clandestinely transport other illicit goods such as drugs or weapons, according to INTERPOL and Europol.

9. Since the adoption of Security Council resolution 2240 (2015), Member States have, unilaterally, bilaterally and multilaterally, including through regional organizations, taken measures to counter smuggling and trafficking off the coast of Libya and to strengthen search and rescue efforts in the Mediterranean Sea. These include the strengthening of border control agencies and border management, capacity-building and training and the targeted deployment of naval assets and operations in the Mediterranean Sea.

III. Inspection and seizure of vessels off the coast of Libya and related efforts

10. As part of efforts to prevent and combat smuggling and trafficking off the coast of Libya, Member States, both severally or through regional organizations, have inspected and seized vessels under applicable international law and in the exercise of the specific authority provided through resolution 2240 (2015). In addition, the Libyan authorities have reportedly conducted rescues or interceptions involving some 10,246 men, women and children in 2016, also within Libyan territorial waters.

11. In particular, the States members of the European Union, with the exception of Denmark, launched, on 22 June 2015, a naval operation to undertake systematic efforts to identify, capture and dispose of vessels and assets used or suspected of being used by smugglers or traffickers in order to contribute to wider European Union efforts to disrupt the business model of smuggling and trafficking networks and prevent the further loss of life at sea.

12. The operation carries out its work in the central part of the southern Mediterranean Sea. Its mandate has three operational phases. The first, completed in September 2015, involved supporting the detection and monitoring of migration networks through information gathering and patrolling on the high seas. According to Council of the European Union decision (CFSP) 2015/778 of 18 May 2015, the second phase foresees the boarding, search, seizure and diversion on the high seas of vessels suspected of being used for smuggling or trafficking, under the conditions provided for by applicable international law. These activities may be carried out also in territorial waters, provided that the authority for them is granted through any applicable Security Council resolution or consent by the coastal State concerned. In the third phase, the operation, in accordance with any applicable Council resolution or with the consent of the coastal State concerned, will take all necessary measures against vessels and related assets, including disposing of them or rendering them inoperable, which are suspected of being used for smuggling or trafficking, in the territory of that State, under the conditions set out in that resolution or consent.

13. The States members of the European Union, with the exception of Denmark, reported that they had implemented measures mentioned in paragraphs 7 to 10 of resolution 2240 (2015) as part of the second phase of the European Union military operation, which began on 7 October 2015. On 20 June 2016, the Council of the European Union extended the mandate of the operation until 27 July 2017 and expanded it to include assistance in the development of the capacities and in the training of the Libyan coastguard and navy in law enforcement tasks at sea, in particular to prevent smuggling and trafficking. As at 31 August 2016, the operation had rescued more than 25,400 men, women and children at sea and contributed through its assets to the rescue of many more.

14. The European Union military operation reported that, on 9 and 18 July 2016, it had, for the first time, detected and seized vessels manned by individuals suspected of smuggling migrants, apprehending the crew on the high seas off the coast of Libya. It noted that it had had reasonable grounds to believe that the vessels were being used by Libya-based organized criminal entities engaged in smuggling and trafficking. It noted that all the vessels that it had inspected and seized had been "unflagged". As at 9 August 2016, 84 persons suspected of smuggling migrants or facilitating such smuggling had been arrested by the Italian authorities following information provided or action taken by the operation.

15. As at 9 August 2016, the operation had disposed of 241 vessels, of which 198 were rubber boats, 38 wooden vessels and 5 fishing vessels. It noted that it towed or transported vessels to Italy, insofar as possible, also in view of the potential value to investigations and prosecutions. Otherwise, it disposed of them to avoid any risk to the safety of seafarers, navigation and the marine environment, in line with relevant international law and standards.

16. No further information was brought to the attention of the Secretariat regarding any additional inspections or seizures by Member States, acting severally or through regional organizations, engaged in efforts to combat smuggling and trafficking any unflagged or flagged vessels on the high seas off the coast of Libya, whether as permitted under applicable international law or in the exercise of the authority provided in resolution 2240 (2015).

17. The Security Council called upon Member States taking action under paragraphs 7 and 8 of resolution 2240 (2015) to cooperate, including by making good-faith efforts to obtain the consent of the vessel's flag State before using the authority under paragraph 7 and upon flag States concerned by such action to review and respond to requests in a rapid and timely manner. In that regard, the European Union military operation considers four hours a suitable time frame to qualify an effort to obtain consent by a flag State as being undertaken in good faith. To date, however, no such requests have had to be made.

18. The European Union military operation reported that it took into account legal obligations relating to the protection of human rights when carrying out all activities under the authority of resolution 2240 (2015), including in respect of the principle of non-refoulement.

19. Furthermore, in line with the call by the Security Council to provide for the safety of persons on board as an utmost priority and to avoid causing harm to the marine environment or to the safety of navigation, the European Union military operation noted that it had issued, or was issuing, standard operating procedures on

the prevention of sexual exploitation and abuse, the disposal of vessels in compliance with relevant international law and the treatment on board of persons rescued at sea.

20. In inspecting and seizing vessels suspected of involvement in smuggling and trafficking, the European Union military operation cooperates closely with the European Union executive agencies responsible for judicial cooperation in criminal matters (Eurojust), law enforcement (Europol) and border management (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union). The last-mentioned also maintains two joint maritime operations in the Mediterranean Sea: Triton, in the central Mediterranean, and Poseidon, in the eastern Mediterranean. To this end, these entities have adopted, in various forms, agreements on cooperation, coordination, the exchange of knowledge and information and the provision of support and have deployed liaison officers. In addition, there are continuing discussions between the military operation and other entities such as INTERPOL and the United Nations Office on Drugs and Crime (UNODC) to establish similar arrangements. The military operation seeks to deconflict its operations with the Libyan coastguard and the Italian naval operation Mare Sicuro by exchanging information on a case-by-case basis. It also works with the United States Africa Command, the United States European Command and the North Atlantic Treaty Organization (NATO) Maritime Command.

21. To assist in the investigation and prosecution of persons responsible for acts of smuggling and trafficking at sea, the European Union military operation cooperates closely with and provides information and evidence to the Italian authorities, which exercise criminal jurisdiction. On 22 October 2015, the Italian State Anti-Mafia Division issued guidelines concerning the legal requirements for Italy to exercise jurisdiction over persons apprehended at sea by the operation.

22. Broader cooperation is also continuing between the European Union military operation, international organizations, including the United Nations and its agencies, Member States and non-governmental organizations. A mechanism to deconflict and coordinate activities of Member States and other entities involved in maritime security operations has been established, called "Shared awareness and deconfliction in the Mediterranean".

IV. Support to Libya and related efforts to combat smuggling and trafficking off the coast

23. The Security Council, in its resolution 2240 (2015), called upon Member States to assist Libya, upon request, in building needed capacity to secure its borders and to prevent, investigate and prosecute acts of smuggling and trafficking through its territory and in its territorial sea.

24. On 23 May 2016, the Council of the European Union committed itself to undertaking work, at the request of and in partnership with the Government of National Accord of Libya, on a comprehensive approach to managing migration, including undertaking efforts to combat smugglers and traffickers and providing capacity-building and training for the Libyan coastguard and navy. On 23 August,

the European Union military operation and the Libyan coastguard and port security signed a memorandum of understanding on the training of the coastguard and navy.

25. On 4 August 2016, the Council of the European Union extended the mandate of the European Union Integrated Border Management Assistance Mission in Libya until 21 August 2017. The Mission closely cooperates with the United Nations Support Mission in Libya (UNSMIL). It is planning for a possible future European Union engagement in the areas of advice and capacity-building on matters of, among others, criminal justice, migration and smuggling and trafficking, in support and at the request of Libya.

26. On 9 July 2016, NATO announced that its anti-terrorism maritime operation, "Active Endeavour", had become a broader maritime security operation, "Sea Guardian", to perform the full range of maritime security operation tasks, as needed. The communiqué issued by the Heads of State and Government participating in the meeting of the North Atlantic Council held in Warsaw on 8 and 9 July documents an in-principle agreement on a possible NATO role in the central Mediterranean Sea to complement and support efforts of the European Union military operation, including through a possible contribution to building the capacity of the Libyan coastguard and navy.

27. The United Nations system and other entities also support the Government of National Accord and cooperate with those Member States providing assistance to Libya. UNSMIL monitors the situation of migrants in detention and has been raising its concerns specifically with the Libyan Department for Combating Illegal Migration, urging an end to widespread and grave abuses.

28. UNSMIL works with the European Union military operation, including in the development of capacity-building activities for the Libyan coastguard and navy. Since 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNHCR have provided training sessions to the staff of European Union naval ships in the Mediterranean Sea on human rights in law enforcement, the human rights of migrants, the standards of treatment for all those rescued or intercepted at sea and the protection and human rights of refugees. Following the extension of the operation's mandate in June 2016, UNHCR has held preliminary discussions on possible support for relevant training activities, notably on international refugee and human rights law. UNODC also held several consultations with representatives of the operation to develop synergies in the framework of capacity-building activities to address smuggling and trafficking.

29. Since mid-2015, UNHCR and the International Organization for Migration have held three technical consultations with the Libyan coastguard, the Libyan Department for Combating Illegal Migration and non-governmental organizations to consider issues relating to rescue at sea. Work is also under way to establish a mechanism to enhance communication and facilitate cooperation between the Libyan authorities, international organizations and non-governmental organizations, in order to strengthen national operational responses and enhance predictability in the provision of humanitarian assistance and support upon disembarkation of persons rescued at sea.

30. The International Organization for Migration carries out humanitarian repatriation activities under several projects in Libya. This is part of a comprehensive approach to migration management that is aimed at the orderly and

humane return and reintegration of migrants who are unable or unwilling to remain in host countries that experience conflict or natural disaster and who wish to return voluntarily to their countries of origin. It also facilitates the safe and dignified return of stranded migrants.

V. International efforts to combat smuggling and trafficking

31. At the international level, renewed political, humanitarian and other efforts are under way to comprehensively respond to the issue of large movements of refugees and migrants, including smuggling and trafficking. The high-level plenary meeting of the General Assembly on the subject on 19 September 2016 will afford a unique opportunity to define and advance a collective response. The United Nations cooperates with and supports the efforts of Member States to counter smuggling and trafficking in various ways, as detailed below.

32. In 2015, UNODC announced a strategy to address the smuggling of migrants across the Mediterranean, aimed at providing a comprehensive, strategic and integrated response. In implementing the strategy, and within the framework of the four-year UNODC-European Union global action to prevent and address trafficking and smuggling, covering the period 2015-2019, UNODC cooperated, for example, with Egypt and Morocco to assess their responses to trafficking and smuggling. With regard to enhancing national capacity and legislative frameworks, more than 10 capacity-building activities were undertaken by UNODC in North Africa and the Middle East, including in countries constituting transit points located on the Mediterranean coast.

33. In promoting regional and transregional cooperation, UNODC convened, from 14 to 16 October 2015 in Syracuse, Italy, a transregional training workshop on preventing and combating the smuggling of migrants by sea affecting the Mediterranean region, one of the first technical assistance initiatives delivered since the adoption of resolution 2240 (2015). The workshop was organized for front-line officers, criminal justice practitioners and policymakers from States members of the European Union, States in the Mediterranean basin and Egypt, Eritrea, Lebanon, Libya, Mali, Morocco, the Niger, Nigeria, Somalia, the Sudan, Tunisia and Turkey.

34. UNODC also supports countries of origin and transit along the route to the Mediterranean coast, delivering specialized training on addressing the smuggling of migrants by air and detecting document fraud in April 2016. In East Africa, UNODC has provided legislative support and training on trafficking and smuggling. In West Africa, it is supporting police and gendarmerie training institutes in several States in order to integrate modules on smuggling and trafficking into national training curricula. These activities are implemented within the framework of the UNODC regional strategy for combating trafficking and smuggling, covering the period 2015-2020.

35. UNODC regional programmes, strategies and dedicated projects supported Member States globally. Among them, more than 40 major technical assistance activities provided support to some 70 countries and trained in excess of 1,100 criminal justice practitioners and government officials in effectively preventing and prosecuting trafficking and smuggling. UNODC provided substantive support to the third session of the Working Group on the Smuggling of Migrants, held in Vienna from 18 to 20 November 2015, which resulted in the

adoption of targeted recommendations on the smuggling of migrants by sea (see CTOC/COP/WG.7/2015/6). These addressed jurisdictional questions over incidents of migrant smuggling on the high seas involving unflagged vessels, not holding seafarers criminally liable for assisting, rescuing or disembarking smuggled migrants in distress at sea and providing assistance and protection to smuggled migrants.

36. Economic and Social Council resolution 2014/23 on strengthening international cooperation in addressing the smuggling of migrants and the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, adopted at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015, encourage States to consider undertaking concurrent financial investigations when they investigate and prosecute smuggling and trafficking. To this end, UNODC assists Member States to counter the business model of organized criminal groups by enhancing their capacities to trace, freeze and confiscate proceeds acquired through smuggling and trafficking and to enhance the coordination and sharing of information among relevant agencies.

37. In January 2016, OHCHR proposed specific measures to address the protection gaps for migrants in transit, including with regard to their vulnerability to violence, abuse and exploitation (see A/HRC/31/35).

38. In September 2015, 26 States members of the International Maritime Organization (IMO) and international and non-governmental organizations concluded that the international legal framework for the rescue at sea of persons in mixed migration flows — movement of refugees and asylum seekers, among others — was sound. They stressed, however, that the framework was not designed or envisaged for large movements of refugees and migrants by sea, making the prevention of grossly overloaded, manifestly unsafe vessels from taking to sea key to reducing the loss of lives. The complex issues surrounding unsafe mixed migration by sea were also debated at a two-day symposium hosted by the World Maritime University in Malmö, Sweden, on 26 and 27 April 2016. At the symposium, IMO noted that the maritime sector and others could contribute to alleviating the root causes of unsafe mixed migration by sea by focusing on creating conditions for increased employment, prosperity and stability by enhancing the maritime sector and sustainable blue economy in developing countries.

39. Two editions of the Operational Forum on Countering Migrant Smuggling Networks, jointly organized by INTERPOL and Europol in October 2015 and February 2016, contributed to the reinforcement of trust and enhancement of operational cooperation between countries of origin, transit and destination affected by the current movement of refugees and migrants towards Europe. INTERPOL also organized international fugitive round-up and arrest operations to assist Member States in locating and apprehending criminals wanted for involvement in smuggling migrants, to promote the global exchange of information concerning their whereabouts, to enhance networking between investigators and specialized units and to promote the use of INTERPOL notices and diffusions.

40. The United Nations also supports Member States in the reintegration of returning migrants and in addressing the root causes and drivers of movement in neighbouring countries and the wider region, such as political and economic

exclusion, marginalization, discrimination and violent extremism. Improved socioeconomic conditions, including increased access to basic services and political participation, strengthened security and justice systems and the creation of commensurate safe and regular migration channels, will be key contributions to ensuring that migrants are not compelled to seek out dangerous and life-threatening routes.

41. Efforts to counter smuggling and trafficking must be embedded in global efforts to respond to displacement and migration. At the United Nations, a steering committee, chaired by the Deputy Secretary-General and bringing together relevant United Nations entities, has guided the system-wide response to large movements of refugees and migrants since mid-2015, including how to best support Member States in their efforts to define a globally coordinated approach to managing human mobility in all its forms and to ensure the protection of the rights of migrants and refugees.

42. On 30 September 2015, I convened a high-level side event of the General Assembly on strengthening cooperation on migration and refugee movements in the perspective of the new development agenda, which was aimed at encouraging enhanced cooperation and collective action in dealing with the challenges of migration and human mobility. I emphasized that there was a need to save lives and to ensure protection and non-discrimination in the response, which should be based on the principle of shared responsibility and cooperation. A key message of the event was that only through the creation of safe and regular channels of movement could the business model of human smugglers and exploitation by human traffickers be stopped.

43. On 20 November 2015, the President of the General Assembly convened a plenary meeting of the Assembly on global awareness of the tragedies of irregular migrants in the Mediterranean basin, with specific emphasis on Syrian asylum seekers, which continued these important reflections. In its annual resolution on oceans and the law of the sea, the Assembly has continued to provide policy guidance on the issue of migration by sea. In its resolution 70/235, the Assembly, among other things, noted with grave concern the recent proliferation of, and endangerment of lives through, the smuggling of migrants by sea and underscored the necessity to address such situations in accordance with applicable international law. In addition, the Assembly recognized that all States must fulfil their search and rescue responsibilities in accordance with international law, including the United Nations Convention on the Law of the Sea.

44. On 16 December 2015, the Security Council issued a presidential statement (S/PRST/2015/25) following its first-ever meeting on trafficking in persons, in which it called upon Member States to reinforce their political commitment to and improve their implementation of applicable legal obligations to criminalize, prevent and otherwise combat trafficking, and to strengthen efforts to detect and disrupt it. The Council importantly noted that trafficking undermined the rule of law and contributed to other forms of transnational organized crime, which could exacerbate conflict and foster insecurity. In its press statement of 22 April 2015, the Council had raised those concerns on the occasion of a maritime tragedy off the coast of Libya. The Council expressed its concern at the implications for regional stability posed by transnational organized crime and illicit activities, such as trafficking and

smuggling, and condemned and deplored the said acts, which undermined the process of stabilization of Libya and endangered the lives of people.

45. On 5 January 2016, I appointed a special adviser to lead the United Nations preparations for the high-level plenary meeting of the General Assembly to address large movements of refugees and migrants, to be held on 19 September 2016. In preparation for the meeting, in my report entitled "In safety and dignity: addressing large movements of refugees and migrants" (A/70/59), I reiterated that there was a need to counter smuggling and trafficking as part of a global response to those large movements. In that regard, I stress that only a comprehensive approach to forced displacement and global mobility, based on responsibility-sharing and the facilitation of orderly, safe, regular and responsible migration, will constitute an effective strategy.

46. On 30 March 2016, a high-level meeting on global responsibility-sharing through pathways for admission of Syrian refugees, convened by UNHCR in Geneva, secured important pledges to increase opportunities for the admission of Syrian refugees.

VI. Key issues

47. The risk to life and bodily harm is not confined only to the actual crossing of the Mediterranean Sea, but extends to the time before and after crossings. Throughout the journey, people are at high risk of being robbed of their belongings and subjected to repeated abuse. The men, women and children who arrive in Libya often remain dependent on the same criminal networks that brought them there. The unequal power relationships between smugglers and migrants, as well as traffickers and their victims, often result in disproportionate vulnerability to violence, abuse and exploitation. This holds particularly true for women at risk, children, older persons and persons with disabilities. Most often, they are unable to seek justice and redress. At the same time, they are at risk of being forcibly returned to their country of origin or third countries. Operations to counter human smuggling must ensure that effective police and criminal justice protection is provided to all persons and that their rights are ensured.

48. Libya is not party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol thereto. It has ratified the Organization of African Unity Convention governing the specific aspects of refugee problems in Africa of 1969, but has yet to adopt asylum legislation or establish asylum procedures. Under Libyan law, all irregular entry, stay or departure is criminalized.

49. The transitional authorities in Libya are facing multiple challenges, including political divisions, instability, violent extremism and the need to improve public services. At the same time, men, women and children continue to pass through the country. Refugees and migrants rescued or intercepted at sea by the Libyan authorities are disembarked and transferred to detention centres in Libya, where they are at risk of being held arbitrarily for indefinite periods and have no recourse to judicial review. These facilities, run by the Libyan authorities, but also by non-State groups, often expose those detained to inhuman and degrading conditions and the risk of torture, ill-treatment, extortion, forced labour, sexual and gender-based violence and abuse, religious discrimination and murder. Very often, detainees have little access to basic goods and services. Detention centres are chronically

overcrowded. Sanitary facilities are insufficient and often broken, undernutrition is rampant and a lack of health facilities and recreational opportunities creates undue suffering. The conflict in Libya has exacerbated the already-vulnerable situation of asylum seekers, refugees and migrants, who are at risk of abduction, torture and other ill-treatment, exploitation, extortion and killings by armed groups, smugglers and traffickers, in addition to Libyan officials. For example, OHCHR has received reports that it deems credible with regard to the commission of sexual violence, including rape, against women and girls in migrant detention facilities by guards, as well as by non-State actors, such as smugglers and traffickers, more broadly.

50. In addition to being exposed to these risks, some groups are even more vulnerable. Information received from humanitarian partners on the ground indicates that persons from sub-Saharan Africa tend to be detained for longer periods than those from elsewhere. UNHCR expressed particular concern with regard to the high number of unaccompanied and separated children. In comparison with 2015, 2016 saw an increase in the share of women and children forming part of the movements across the Mediterranean Sea. With this development, the risk of sexual and gender-based violence, forced and child labour and other forms of exploitation and discrimination increases.

51. When men, women and children are intercepted or rescued off the coast of Libya, it is of utmost importance to ensure their continued security and safety, in line with international law, including the prohibition of refoulement. In October 2015, UNHCR updated its position on returns to Libya, in which it urged all States to suspend forcible returns to the country until the security and human rights situation had improved considerably. This advice remains valid without prejudice to further obligations under international, regional or national law to provide international protection for persons found to meet the criteria for refugee status or other forms of international protection under the 1951 Convention or other relevant instruments. UNHCR also urged States to refrain from returning to Libya any third-country nationals intercepted at sea and to ensure that those in need of international protection are able to gain access to fair and effective asylum procedures upon disembarkation.

52. OHCHR has called for any cooperation between the Government of National Accord in Libya and other Member States and regional organizations with regard to the provision of capacity-building support to the Libyan coastguard and navy to be carried out in full respect for the human rights of the people involved. For example, such cooperation should not facilitate the return of rescued persons to situations in which they would be at risk of arbitrary detention and abuse. In view of Member States, acting through regional organizations, expanding their activities into the territorial waters of Libya, including for capacity-building activities, this consideration must remain highly pertinent.

53. International law also requires the disembarkation of persons rescued at sea in a place of safety. The IMO Maritime Safety Committee has not yet considered the issue in the Libyan context, based on the International Convention for the Safety of Life at Sea, 1974, and Committee resolution MSC.167(78) on guidelines on the treatment of persons rescued at sea. In the light of the volatile security situation and the particular protection risks for third-country nationals, however, UNHCR does not consider that Libya currently meets the criteria to be designated as a place of safety for the purpose of disembarkation following rescue at sea.

54. The European Union has noted that it could not board, inspect and seize all vessels suspected of being used for smuggling and trafficking off the coast of Libya for legal reasons, given that the Security Council, in its resolution 2240 (2015), did not address presumed places of departure other than Libya. The European Union assesses that, with changing and emerging routes to Europe, its military operation is not able to counter the issue to the best extent possible. The operation is of the view that, while its presence and activities have limited the freedom of manoeuvre of migrant smugglers and affected their operations and tactics, effective measures have to be taken on land and at sea.

55. Large-scale migration by sea presents a range of challenges to the maritime sector and seafarers. Legally, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, requires a State party that takes measures against a vessel suspected of smuggling migrants by sea to take due account of the need not to prejudice the commercial or legal interests of the flag State or any other interested State and not to endanger the security of the vessel or its cargo.

56. More than 80 per cent of global trade moves by sea. Any disruption to the maritime part of the supply chain therefore constitutes a risk to national and regional economies. In 2014 and 2015 in the Mediterranean Sea alone, some 1,300 merchant ships were diverted from their routes, taking part in 392 rescue operations and saving the lives of 57,515 men, women and children.

57. Merchant seafarers continue to bravely perform their duties of rescue, but the risk to their safety and that of those rescued while they are aboard these ships should not be underestimated. Merchant ships generally have small crews and are not configured to carry, feed and care for large numbers of people, many of whom are desperate, under stress and potentially agitated. They also do not carry personnel trained to respond to the medical needs of survivors of shipwrecks and other trauma. With their often high sides, no appropriate embarkation equipment and crews untrained in rescuing large numbers of people at sea safely, merchant vessels are not suited to performing this function. Many of the recorded deaths of migrants at sea occurred when boats capsized within sight of a potential rescue ship and the crews were powerless to save them. Ships are also inherently dangerous places for those not trained in the rigorous safety standards observed by seafarers, with additional measures required if dangerous cargo is carried. IMO, UNHCR and the International Chamber of Shipping have developed guidance on rescue and large-scale rescue operations at sea.

58. Smuggling and trafficking also have an impact on the fisheries sector, including fishing fleet operations, in Libya. According to the Food and Agriculture Organization of the United Nations, the current contribution of the fisheries sector to the national economy is well below expectations. The national fishing fleet reportedly numbered around 3,000 vessels in 2015. The Secretariat is not aware of any effects on the marine environment caused by action taken under paragraphs 7 and 8 of resolution 2240 (2015).

VII. Observations

59. I highly commend the invaluable search and rescue efforts of the brave men and women who risk their lives to save others, as part of national authorities, the merchant fleet, civil society or the communities along the shores of the

Mediterranean Sea, including the European Union military operation. At the same time, I am deeply concerned that the number of men, women and children who die or go missing in the Mediterranean Sea has not fallen. Until prevention efforts bear fruit, I call upon Member States to further strengthen dedicated search and rescue capabilities and to undertake efforts to mitigate the impacts of smuggling and trafficking on seafarers, merchant shipping and trade.

60. A truly sustainable and effective strategy to address the proliferation of smuggling and trafficking off the coast of Libya can be found only in a multidimensional approach that is aimed at addressing the causes and drivers of people leaving their homes. At the same time, the need for safe passage and protection has to be met, rooted in cooperation among countries of origin, transit and destination and based on international solidarity. Ensuring that persons are not compelled to resort to facilitation services to irregularly cross borders not only destroys the business model of smugglers, but also prevents the deaths, suffering and exploitation of the men, women and children who are at the mercy of organized criminal groups.

61. Such a strategy includes a law enforcement component, in particular against organized criminal actors, the prevention of armed conflict and violence and efforts to end persecution and systematic human rights violations, address governance and rule of law deficits and create economic opportunities and sustainable and inclusive development. Measures to better prevent and control irregular border crossings must go hand in hand with increased safe and regular avenues for movement for refugees and migrants. All measures to counter smuggling and trafficking have to be carried out in full respect of international human rights law and related standards. I recognize that such a strategy requires efforts that go beyond national and regional measures and are closely linked to renewed global commitments to address large movements of refugees and migrants, to prevent violent conflict and violent extremism, to address ever-growing humanitarian needs and to move towards sustainable development for all. In this context, the Sustainable Development Goals provide a suitable framework to address some root causes of involuntary movements of refugees and migrants and to facilitate well-managed migration policies.

62. Men, women and children continue to be smuggled and trafficked by sea in substantial numbers from Libya to Europe. It is first and foremost the responsibility of Member States to prevent proliferation in smuggling and trafficking, including off the coast of Libya. When doing so, cooperation among Member States, and with other relevant actors, is essential. The United Nations Convention against Transnational Organized Crime, its Protocol against the Smuggling of Migrants by Land, Sea and Air and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, establish general and specific forms of cooperation and assistance for the prevention, investigation and prosecution of offences covered by the instruments. Provisions relate to cooperation among States parties and measures to strengthen coordination among them, to the adoption of multilateral, regional and bilateral agreements and arrangements to set reasonable time frames for responding to requests, to the circumstances of boarding of vessels suspected of being used for migrant smuggling, and to jurisdictional questions when offences have been committed aboard vessels flying their flag as well as unflagged vessels. I encourage Member States to closely cooperate to counter smuggling and trafficking and make use of avenues of cooperation provided in relevant international instruments. In addition, I echo the call of the Security Council for

Member States to consider ratifying or acceding to, and for States parties to effectively implement, the Protocol against the Smuggling of Migrants and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

63. I welcome the efforts of Member States to work with the Government of National Accord in Libya and to cooperate with one another to address the threat to peace and security posed by smuggling and trafficking. As efforts are strengthened, it is important to continue to integrate them into the broader work towards stability, security and good governance in Libya. The links between smuggling and trafficking and other criminal activities, including financial aspects, have to be closely monitored and accounted for.

64. Smuggling and trafficking also affect the political transition and implementation of the Libyan Political Agreement, signed in Skhirat, Morocco, on 17 December 2015. The strengthening of criminal and terrorist organizations and increased security threats impede the implementation of the interim security arrangements outlined in the Agreement. The Presidency Council of the Government of National Accord, which is establishing effective control over State institutions following its arrival in Tripoli on 30 March 2016, is under growing public pressure to improve service delivery. International and national pressure to stem the flow of men, women and children passing through the country comes on top of the many other challenges facing the transitional authorities, including bridging the political divide, improving security and public services, combating terrorism and promoting national reconciliation. I commend the strong international support offered to the Presidency Council in its efforts to tackle these issues.

65. In particular, I commend Member States on their support offered and provided to build the capacity of the Government of National Accord to prevent the proliferation of smuggling and trafficking, including at sea. Such capacity-building efforts have to include support for ensuring the protection of human rights, including the rights and needs of asylum seekers, refugees and migrants. In particular, they should not facilitate the return of persons to situations in which they would be at risk of arbitrary detention and other abuses. The needs of vulnerable or traumatized individuals are of particular concern in this regard. In addition, the rights, including the right to justice, of those suspected of smuggling migrants or trafficking in persons have to be ensured. I urge the Government of National Accord to improve the protection and conditions for refugees and migrants in Libya, in particular by working to improve conditions in detention facilities and ending arbitrary detentions. I also call upon it to consider acceding to relevant international instruments, including the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, adopting an asylum policy and decriminalizing irregular migration.

66. In all efforts to prevent and counter smuggling and trafficking, it is of utmost importance to adopt policies and processes that are sensitive to the immediate needs of all persons who have been exposed to physical or psychological danger during their journey, whether by land or by sea, and regardless of their migration status. Their immediate needs must be met and their human rights protected. Protection from refoulement and the particular needs of those seeking asylum are likewise vital considerations. Standardized procedures should be put in place to ensure the rapid and accurate identification and referral of migrants in situations of particular

vulnerability to appropriate services. Children and women in situations of vulnerability are particularly exposed to risks throughout all sections of their movement, including rescue operations, inspections and seizures of vessels and transfers to and disembarkations at places of safety, as well as throughout the process of status determination. I note with concern the significant increase in the number of unaccompanied or separated children arriving by sea in Italy in 2016 and encourage the taking of specific measures to ensure that their particular protection needs are met. I welcome the steps taken by the European Union military operation to prevent sexual exploitation and abuse. I call upon Member States, in particular those taking action in the Mediterranean Sea, to place those concerns at the heart of their operational response in all its aspects, examine their existing policies and integrate those considerations into their efforts to build and strengthen capacity to counter smuggling and trafficking by sea.

67. I welcome the efforts undertaken by Member States and other entities, including the European Union military operation, to cooperate, exchange information and provide mutual support and to coordinate their activities at sea, including with regard to the inspection and seizure of vessels, through institutional and legal arrangements. I encourage Member States to continue to strengthen their cooperation with one another and with all other relevant actors, especially as engagement to counter smuggling and trafficking in the Mediterranean Sea is being reinforced. A shared understanding of the challenges associated with countering the problem is key to developing effective and complementary responses.

68. In view of the complex and transnational nature of the crimes committed in the process of smuggling and trafficking, cooperation among Member States regarding the investigation and prosecution of those responsible is of particular importance. I welcome existing measures and encourage Member States to redouble their efforts to end the impunity enjoyed by criminal networks involved in this crime and disrupt their business model, including by tracing, freezing and confiscating proceeds. Recognizing that corruption is a key facilitator of smuggling and trafficking, I call upon Member States to integrate anti-corruption measures into their efforts.

69. The routes that refugees and migrants follow towards Europe are not static, as illustrated by recent departures from locations other than Libya. Migrant smugglers adapt when conditions change. Vessels launch from new locations and fresh routes emerge. I call upon countries of origin, transit and destination, the Security Council and those Member States taking action to counter smuggling and trafficking off the coast of Libya to respond to such changing dynamics with flexibility and increased cooperation to ensure continued and effective efforts, including the investigation and prosecution of those responsible for smuggling and trafficking.